

AMENDED IN SENATE APRIL 22, 2015

AMENDED IN SENATE APRIL 7, 2015

AMENDED IN SENATE MARCH 17, 2015

AMENDED IN SENATE FEBRUARY 4, 2015

SENATE BILL

No. 12

Introduced by Senator Beall

(Coauthors: Senators Block, Hertzberg, and Wieckowski)

(Coauthors: Assembly Members Chu, *Gipson*, *Gordon*, Maienschein,
Rodriguez, and Waldron)

December 1, 2014

An act to amend Sections 303, 388, 388.1, 450, 607.2, 11400, 11401, 11403, and 11405 of the Welfare and Institutions Code, relating to foster youth.

LEGISLATIVE COUNSEL'S DIGEST

SB 12, as amended, Beall. Foster youth.

Existing law, the California Fostering Connections to Success Act, revises and expands the scope of various programs relating to cash assistance and other services to and for the benefit of certain foster and adopted children, and other children who have been placed in out-of-home care, including children who receive Aid to Families with Dependent Children-Foster Care (AFDC-FC), Adoption Assistance Program, California Work Opportunity and Responsibility to Kids (CalWORKs), and Kinship Guardianship Assistance Payment (Kin-GAP) benefits. Among other provisions, the act extends specified foster care benefits to youth up to 21 years of age, if specified conditions are met.

Existing law defines a nonminor dependent for these purposes as a foster child who is a current dependent child or ward of the juvenile court, or who is a nonminor under the transition jurisdiction of the juvenile court pursuant to a voluntary reentry agreement, and in accordance with a transitional independent living case plan who has attained 18 years of age while under an order of foster care placement by the juvenile court and is not older than 21 years of age. Existing law defines a nonminor former dependent or ward as a person who meets these criteria who reached 18 years of age while subject to an order for foster care placement, for whom dependency, delinquency, or transition jurisdiction has been terminated, and who is still under the general jurisdiction of the court.

This bill would revise the definition of a nonminor dependent and former nonminor dependent to include a person who has not attained 21 years of age, if he or she was subject to an order for foster care placement at any time after reaching 14 years of age, was adjudged a ward of the court on the basis of criminal activity, and if the last custody order of the court did not order his or her return to the physical custody of his or her parent or legal guardian, and would also include a person who has not attained 21 years of age, if he or she ~~was subject to an order for foster care placement~~, was adjudged a ward of the court on the basis of criminal activity, *was subject to an order for foster care placement at the time the petition to adjudge him or her a ward of the court was filed*, and was in secure confinement *when he or she attained 18 years of age*. This bill would make conforming changes to allow a court to assume or resume dependency jurisdiction or transition jurisdiction over a nonminor who satisfies this criteria. Because the bill would expand the application of the above county administered programs, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 303 of the Welfare and Institutions Code is amended to read:

303. (a) The court may retain jurisdiction over any person who is found to be a ward or a dependent child of the juvenile court until the ward or dependent child attains 21 years of age.

(b) The court shall have within its jurisdiction any nonminor dependent, as defined in subdivision (v) of Section 11400. The court may terminate its dependency, delinquency, or transition jurisdiction over the nonminor dependent between the time the nonminor reaches the age of majority and 21 years of age. If the court terminates dependency, delinquency, or transition jurisdiction, the nonminor dependent shall remain under the general jurisdiction of the court in order to allow for a petition under subdivision (e) of Section 388.

(c) A nonminor who has not yet attained 21 years of age and who meets any of the following conditions may petition the court pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction over himself or herself or to assume transition jurisdiction over himself or herself pursuant to Section 450:

(1) He or she ~~existed~~ *exited* foster care at or after the age of majority.

(2) He or she was subject to an order for foster care placement at any time after reaching 14 years of age, was adjudged a ward of the court pursuant to Section 725, and for whom the last custody order of the court did not order his or her return to the physical custody of his or her parent or legal guardian.

(3) He or she ~~was subject to an order for foster care placement,~~ was adjudged a ward of the court pursuant to Section 725, *was subject to an order for foster care placement at the time the petition to adjudge him or her a ward of the court pursuant to Section 725 was filed,* and was held in secure confinement *when he or she attained 18 years of age.*

(d) (1) Nothing in this code, including, but not limited to, Sections 340, 366.27, and 369.5, shall be construed to provide legal custody of a person who has attained 18 years of age to the county welfare or probation department or to otherwise abrogate any other rights that a person who has attained 18 years of age may have as an adult under California law. A nonminor dependent

1 shall retain all of his or her legal decisionmaking authority as an
2 adult. The nonminor shall enter into a mutual agreement for
3 placement, as described in subdivision (u) of Section 11400, unless
4 the nonminor dependent is incapable of making an informed
5 agreement, or a voluntary reentry agreement, as described in
6 subdivision (z) of Section 11400, for placement and care in which
7 the nonminor consents to placement and care in a setting supervised
8 by, and under the responsibility of, the county child welfare
9 services department, the county probation department, or Indian
10 tribe, tribal organization, or consortium of tribes that entered into
11 an agreement pursuant to Section 10553.1.

12 (2) A nonminor dependent who remains under delinquency
13 jurisdiction in order to complete his or her rehabilitative goals and
14 is under a foster care placement order is not required to complete
15 the mutual agreement as described in subdivision (u) of Section
16 11400. His or her adult decisionmaking authority may be limited
17 by and subject to the care, supervision, custody, conduct, and
18 maintenance orders as described in Section 727.

19 (e) Unless otherwise specified, the rights of a dependent child
20 and the responsibilities of the county welfare or probation
21 department, or tribe, and other entities, toward the child and family,
22 shall also apply to nonminor dependents.

23 SEC. 2. Section 388 of the Welfare and Institutions Code is
24 amended to read:

25 388. (a) (1) Any parent or other person having an interest in
26 a child who is a dependent child of the juvenile court or a nonminor
27 dependent as defined in subdivision (v) of Section 11400, or the
28 child himself or herself or the nonminor dependent through a
29 properly appointed guardian may, upon grounds of change of
30 circumstance or new evidence, petition the court in the same action
31 in which the child was found to be a dependent child of the juvenile
32 court or in which a guardianship was ordered pursuant to Section
33 360 for a hearing to change, modify, or set aside any order of court
34 previously made or to terminate the jurisdiction of the court. The
35 petition shall be verified and, if made by a person other than the
36 child or the nonminor dependent shall state the petitioner's
37 relationship to or interest in the child or the nonminor dependent
38 and shall set forth in concise language any change of circumstance
39 or new evidence that is alleged to require the change of order or
40 termination of jurisdiction.

1 (2) When any party, including a child who is a dependent of the
2 juvenile court, petitions the court prior to an order terminating
3 parental rights, to modify the order that reunification services were
4 not needed pursuant to paragraphs (4), (5), and (6) of subdivision
5 (b) of Section 361.5, or to modify any orders related to custody or
6 visitation of the subject child, and the court orders a hearing
7 pursuant to subdivision (d), the court shall modify the order that
8 reunification services were not needed pursuant to paragraphs (4),
9 (5), and (6) of subdivision (b) of Section 361.5, or any orders
10 related to the custody or visitation of the child for whom
11 reunification services were not ordered pursuant to paragraphs (4),
12 (5), and (6) of subdivision (b) of Section 361.5, only if the court
13 finds by clear and convincing evidence that the proposed change
14 is in the best interests of the child.

15 (b) (1) Any person, including a child or a nonminor dependent
16 who is a dependent of the juvenile court, may petition the court to
17 assert a relationship as a sibling related by blood, adoption, or
18 affinity through a common legal or biological parent to a child
19 who is, or is the subject of a petition for adjudication as, a
20 dependent of the juvenile court, and may request visitation with
21 the dependent child, placement with or near the dependent child,
22 or consideration when determining or implementing a case plan
23 or permanent plan for the dependent child or make any other
24 request for an order which may be shown to be in the best interest
25 of the dependent child.

26 (2) A child or nonminor dependent who is a dependent of the
27 juvenile court may petition the court to assert a relationship as a
28 sibling related by blood, adoption, or affinity through a common
29 legal or biological parent to a child who is in the physical custody
30 of a common legal or biological parent, and may request visitation
31 with the nondependent sibling in parental custody.

32 (3) Pursuant to subdivision (b) of Section 16002, a request for
33 sibling visitation may be granted unless it is determined by the
34 court that sibling visitation is contrary to the safety and well-being
35 of any of the siblings.

36 (4) The court may appoint a guardian ad litem to file the petition
37 for a dependent child asserting a sibling relationship pursuant to
38 this subdivision if the court determines that the appointment is
39 necessary for the best interests of the dependent child. The petition
40 shall be verified and shall set forth the following:

1 (A) Through which parent he or she is related to the sibling.

2 (B) Whether he or she is related to the sibling by blood,
3 adoption, or affinity.

4 (C) The request or order that the petitioner is seeking.

5 (D) Why that request or order is in the best interest of the
6 dependent child.

7 (c) (1) Any party, including a child who is a dependent of the
8 juvenile court, may petition the court, prior to the hearing set
9 pursuant to subdivision (f) of Section 366.21 for a child described
10 by subparagraph (A) of paragraph (1) of subdivision (a) of Section
11 361.5, or prior to the hearing set pursuant to subdivision (e) of
12 Section 366.21 for a child described by subparagraph (B) or (C)
13 of paragraph (1) of subdivision (a) of Section 361.5, to terminate
14 court-ordered reunification services provided under subdivision
15 (a) of Section 361.5 only if one of the following conditions exists:

16 (A) It appears that a change of circumstance or new evidence
17 exists that satisfies a condition set forth in subdivision (b) or (e)
18 of Section 361.5 justifying termination of court-ordered
19 reunification services.

20 (B) The action or inaction of the parent or guardian creates a
21 substantial likelihood that reunification will not occur, including,
22 but not limited to, the parent's or guardian's failure to visit the
23 child, or the failure of the parent or guardian to participate regularly
24 and make substantive progress in a court-ordered treatment plan.

25 (2) In determining whether the parent or guardian has failed to
26 visit the child or participate regularly or make progress in the
27 treatment plan, the court shall consider factors that include but are
28 not limited to, the parent's or guardian's incarceration,
29 institutionalization, detention by the United States Department of
30 Homeland Security, deportation, or participation in a court-ordered
31 residential substance abuse treatment program.

32 (3) The court shall terminate reunification services during the
33 above-described time periods only upon a finding by a
34 preponderance of evidence that reasonable services have been
35 offered or provided, and upon a finding of clear and convincing
36 evidence that one of the conditions in subparagraph (A) or (B) of
37 paragraph (1) exists.

38 (4) Any party, including a nonminor dependent, as defined in
39 subdivision (v) of Section 11400, may petition the court prior to
40 the review hearing set pursuant to subdivision (d) of Section 366.31

1 to terminate the continuation of court-ordered family reunification
2 services for a nonminor dependent who has attained 18 years of
3 age. The court shall terminate family reunification services to the
4 parent or guardian if the nonminor dependent or parent or guardian
5 are not in agreement that the continued provision of court-ordered
6 family reunification services is in the best interests of the nonminor
7 dependent.

8 (5) If the court terminates reunification services, it shall order
9 that a hearing pursuant to Section 366.26 be held within 120 days.
10 On and after January 1, 2012, a hearing pursuant to Section 366.26
11 shall not be ordered if the child is a nonminor dependent. The court
12 may order a nonminor dependent who is otherwise eligible to
13 AFDC-FC benefits pursuant to Section 11403 to remain in a
14 planned, permanent living arrangement.

15 (d) If it appears that the best interests of the child or the
16 nonminor dependent may be promoted by the proposed change of
17 order, modification of reunification services, custody, or visitation
18 orders concerning a child for whom reunification services were
19 not ordered pursuant to paragraphs (4), (5), and (6) of subdivision
20 (b) of Section 361.5, recognition of a sibling relationship,
21 termination of jurisdiction, or clear and convincing evidence
22 supports revocation or termination of court-ordered reunification
23 services, the court shall order that a hearing be held and shall give
24 prior notice, or cause prior notice to be given, to the persons and
25 in the manner prescribed by Section 386, and, in those instances
26 in which the manner of giving notice is not prescribed by those
27 sections, then in the manner the court prescribes.

28 (e) (1) A nonminor who meets one of the criteria in
29 subparagraph (A) to (C), inclusive, or the county child welfare
30 services, probation department, or tribal placing agency on behalf
31 of the nonminor, may petition the court in the same action in which
32 the child was found to be a dependent or delinquent child of the
33 juvenile court, for a hearing to resume the dependency jurisdiction
34 over a former dependent or to assume or resume transition
35 jurisdiction over a former delinquent ward pursuant to Section
36 450. The petition shall be filed within the period that the nonminor
37 is of the age described in this paragraph. If the nonminor has
38 completed the voluntary reentry agreement, as described in
39 subdivision (z) of Section 11400, with the placing agency, the
40 agency shall file the petition on behalf of the nonminor within 15

1 judicial days of the date the agreement was signed unless the
2 nonminor elects to file the petition at an earlier date. This
3 subdivision applies to a nonminor who meets any of the following
4 criteria:

5 (A) He or she attained 18 years of age while subject to an order
6 for foster care placement and who has not attained 21 years of age
7 for whom the court has dismissed dependency jurisdiction pursuant
8 to Section 391, or delinquency jurisdiction pursuant to Section
9 607.2, or transition jurisdiction pursuant to Section 452, but has
10 retained general jurisdiction under subdivision (b) of Section 303.

11 (B) He or she has not attained 21 years of age, was subject to
12 an order for foster care placement at any time after reaching 14
13 years of age, was adjudged a ward of the court pursuant to Section
14 725, and for whom the last custody order of the court did not order
15 his or her return to the physical custody of his or her parent or
16 legal guardian.

17 (C) He or she has not attained 21 years of age, ~~was subject to~~
18 ~~an order for foster care placement~~, was adjudged a ward of the
19 court pursuant to Section 725, *was subject to an order for foster*
20 *care placement at the time the petition to adjudge him or her a*
21 *ward of the court pursuant to Section 725 was filed*, and was held
22 in secure confinement *when he or she attained 18 years of age*.

23 (2) (A) The petition to resume jurisdiction may be filed in the
24 juvenile court that retains general jurisdiction under subdivision
25 (b) of Section 303, or the petition may be submitted to the juvenile
26 court in the county where the youth resides and forwarded to the
27 juvenile court that retained general jurisdiction and filed with that
28 court. The juvenile court having general jurisdiction under Section
29 303 shall receive the petition from the court where the petition
30 was submitted within five court days of its submission, if the
31 petition is filed in the county of residence. The juvenile court that
32 retained general jurisdiction shall order that a hearing be held
33 within 15 judicial days of the date the petition was filed if there is
34 a prima facie showing that the nonminor satisfies the following
35 criteria:

36 (i) He or she meets the criteria of either subparagraph (A), (B),
37 or (C) of paragraph (1).

38 (ii) He or she intends to satisfy at least one of the conditions set
39 forth in paragraphs (1) to (5), inclusive, of subdivision (b) of
40 Section 11403.

1 (iii) He or she wants assistance either in maintaining or securing
2 appropriate supervised placement, or is in need of immediate
3 placement and agrees to supervised placement pursuant to the
4 voluntary reentry agreement as described in subdivision (z) of
5 Section 11400.

6 (B) Upon ordering a hearing, the court shall give prior notice,
7 or cause prior notice to be given, to the persons and by the means
8 prescribed by Section 386, except that notice to parents or former
9 guardians shall not be provided unless the nonminor requests, in
10 writing on the face of the petition, notice to the parents or former
11 guardians.

12 (3) The Judicial Council, by January 1, 2012, shall adopt rules
13 of court to allow for telephonic appearances by nonminor former
14 dependents or delinquents in these proceedings, and for telephonic
15 appearances by nonminor dependents in any proceeding in which
16 the nonminor dependent is a party, and he or she declines to appear
17 and elects a telephonic appearance.

18 (4) Prior to the hearing on a petition to resume dependency
19 jurisdiction or to assume or resume transition jurisdiction, the court
20 shall order the county child welfare or probation department to
21 prepare a report for the court addressing whether the nonminor
22 intends to satisfy at least one of the criteria set forth in subdivision
23 (b) of Section 11403. When the recommendation is for the
24 nonminor dependent to be placed in a setting where minor
25 dependents also reside, the results of a background check of the
26 petitioning nonminor conducted pursuant to Section 16504.5, may
27 be used by the placing agency to determine appropriate placement
28 options for the nonminor. The existence of a criminal conviction
29 is not a bar to eligibility for reentry or resumption of dependency
30 jurisdiction or the assumption or resumption of transition
31 jurisdiction over a nonminor.

32 (5) (A) The court shall resume dependency jurisdiction over a
33 former dependent or assume or resume transition jurisdiction over
34 a former delinquent ward pursuant to Section 450, and order that
35 the nonminor's placement and care be under the responsibility of
36 the county child welfare services department, the probation
37 department, tribe, consortium of tribes, or tribal organization, if
38 the court finds all of the following:

39 (i) The nonminor meets the criteria of either subparagraph (A),
40 (B), or (C) of paragraph (1) of subdivision (e).

1 (ii) The nonminor has not attained the age limit described in
2 paragraph (1).

3 (iii) Reentry and remaining in foster care are in the nonminor's
4 best interests.

5 (iv) The nonminor intends to satisfy, and agrees to satisfy, at
6 least one of the criteria set forth in paragraphs (1) to (5), inclusive,
7 of subdivision (b) of Section 11403, and demonstrates his or her
8 agreement to placement in a supervised setting under the placement
9 and care responsibility of the placing agency and to satisfy the
10 criteria by signing the voluntary reentry agreement as described
11 in subdivision (z) of Section 11400.

12 (B) In no event shall the court grant a continuance that would
13 cause the hearing to resume dependency jurisdiction or to assume
14 or resume transition jurisdiction to be completed more than 120
15 days after the date the petition was filed.

16 (C) The agency made responsible for the nonminor's placement
17 and care pursuant to subparagraph (A) shall prepare a new
18 transitional independent living case plan within 60 calendar days
19 from the date the nonminor signed the voluntary reentry agreement
20 as described in subdivision (z) of Section 11400 and submit it to
21 the court for the review hearing under Section 366.31, to be held
22 within 70 days of the resumption of dependency jurisdiction or
23 assumption or resumption of transition jurisdiction. In no event
24 shall the review hearing under Section 366.3 be held more than
25 170 calendar days from the date the nonminor signed the voluntary
26 reentry agreement.

27 SEC. 3. Section 388.1 of the Welfare and Institutions Code is
28 amended to read:

29 388.1. (a) On and after January 1, 2014, a nonminor who has
30 not attained 21 years of age may petition the court in which he or
31 she was previously found to be a dependent or delinquent child of
32 the juvenile court for a hearing to determine whether to assume
33 dependency jurisdiction over the nonminor, if he or she meets any
34 of the following descriptions:

35 (1) He or she is a nonminor former dependent, as defined in
36 subdivision (aa) of Section 11400, who received aid after attaining
37 18 years of age under Kin-GAP pursuant to Article 4.5
38 (commencing with Section 11360) or Article 4.7 (commencing
39 with Section 11385) of Chapter 2 of Part 3 of Division 9, or
40 pursuant to subdivision (e) of Section 11405, and whose former

1 guardian or guardians died after the nonminor attained 18 years
2 of age, but before he or she attains 21 years of age.

3 (2) He or she is a nonminor former dependent, as defined in
4 subdivision (aa) of Section 11400, who received aid after attaining
5 18 years of age under Kin-GAP pursuant to Article 4.5
6 (commencing with Section 11360) or Article 4.7 (commencing
7 with Section 11385) of Chapter 2 of Part 3 of Division 9, or
8 pursuant to subdivision (e) of Section 11405, and whose former
9 guardian or guardians no longer provide ongoing support to, and
10 no longer receive aid on behalf of, the nonminor after the nonminor
11 attained 18 years of age, but before he or she attains 21 years of
12 age.

13 (3) He or she is a nonminor who received adoption assistance
14 payments after attaining 18 years of age pursuant to Chapter 2.1
15 (commencing with Section 16115) of Part 4 of Division 9 and his
16 or her adoptive parent or parents died after the nonminor attained
17 18 years of age, but before he or she attains 21 years of age.

18 (4) He or she is a nonminor who received adoption assistance
19 payments after attaining 18 years of age pursuant to Chapter 2.1
20 (commencing with Section 16115) of Part 4 of Division 9 and his
21 or her adoptive parent or parents no longer provide ongoing support
22 to, and no longer receive aid on behalf of, the nonminor after the
23 nonminor attained 18 years of age, but before he or she attains 21
24 years of age.

25 (5) He or she has not attained 21 years of age, was subject to
26 an order for foster care placement at any time after reaching 14
27 years of age, was adjudged a ward of the court pursuant to Section
28 725, and for whom the last custody order of the court did not order
29 his or her return to the physical custody of his or her parent or
30 legal guardian.

31 (6) He or she has not attained 21 years of age, ~~was subject to~~
32 ~~an order for foster care placement~~, was adjudged a ward of the
33 court pursuant to Section 725, *was subject to an order for foster*
34 *care placement at the time the petition to adjudge him or her a*
35 *ward of the court pursuant to Section 725 was filed*, and was held
36 in secure confinement *when he or she attained 18 years of age*.

37 (b) (1) The petition to assume jurisdiction may be filed in either
38 of the following:

39 (A) The juvenile court that established the guardianship pursuant
40 to Section 360, Section 366.26, or subdivision (d) of Section 728.

1 (B) The juvenile court that had jurisdiction over the minor or
2 nonminor dependent when his or her adoption was finalized.

3 (2) A nonminor described in subdivision (a) may submit a
4 petition to assume dependency jurisdiction to the juvenile court
5 in the county where he or she resides. A petition submitted pursuant
6 to this paragraph shall, within five days of submission, be
7 forwarded to the court that had jurisdiction over the child at the
8 time of the guardianship or adoption. The clerk of the court that
9 had jurisdiction over the child at the time of the guardianship or
10 adoption shall file the petition within one judicial day of receipt.

11 (c) (1) The juvenile court in which the petition was filed shall
12 order a hearing to be held within 15 judicial days of the date the
13 petition was filed if there is a prima facie showing that the
14 nonminor satisfies all of the following criteria:

15 (A) He or she was a minor under juvenile court jurisdiction at
16 the time of the establishment of a guardianship pursuant to Section
17 360, Section 366.26, or subdivision (d) of Section 728, or he or
18 she was a minor or nonminor dependent when his or her adoption
19 was finalized.

20 (B) (i) His or her guardian or guardians, or adoptive parent or
21 parents, as applicable, died after the nonminor attained 18 years
22 of age, but before he or she attained 21 years of age.

23 (ii) His or her guardian or guardians, or adoptive parent or
24 parents, as applicable, no longer provide ongoing support to, and
25 no longer receive aid on behalf of, the nonminor after the nonminor
26 attained 18 years of age, but before he or she attained 21 years of
27 age, and it may be in the nonminor's best interest for the court to
28 assume dependency jurisdiction.

29 (C) He or she intends to satisfy at least one of the conditions
30 set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of
31 Section 11403.

32 (D) He or she is requesting assistance in maintaining or securing
33 appropriate supervised placement, or needs immediate placement
34 and agrees to supervised placement pursuant to the voluntary
35 reentry agreement described in subdivision (z) of Section 11400.

36 (2) Upon ordering a hearing, the court shall give prior notice,
37 or cause prior notice to be given, to the nonminor, the appropriate
38 child welfare agency or probation department, and any other person
39 requested by the nonminor in the petition.

1 (3) Pursuant to applicable rules of court, the juvenile court shall
2 allow for telephonic appearances by the nonminor in these
3 proceedings and in any proceeding in which the nonminor
4 dependent is a party.

5 (4) Prior to the hearing, the court shall order the county child
6 welfare or probation department to prepare a report for the court
7 that addresses both of the following:

8 (A) The nonminor's plans to satisfy at least one of the criteria
9 set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of
10 Section 11403.

11 (B) The appropriate placement setting for the nonminor. When
12 the recommendation is for the nonminor to be placed in a setting
13 where minor dependents also reside, the results of a background
14 check of the petitioning nonminor conducted pursuant to Section
15 16504.5 may be used by the placing agency to determine
16 appropriate placement options for him or her.

17 (5) The court shall assume dependency jurisdiction over a former
18 dependent or ward, and order his or her placement and care be
19 under the responsibility of the county child welfare services
20 department, the probation department, tribe, consortium of tribes,
21 or tribal organization, if the court finds all of the following:

22 (A) The nonminor was a minor under juvenile court jurisdiction
23 at the time of the establishment of a guardianship pursuant to
24 Section 360, Section 366.26, or subdivision (d) of Section 728, or
25 he or she was a dependent at the time his or her adoption was
26 finalized.

27 (B) The nonminor's guardian or guardians, or adoptive parent
28 or parents, as applicable, have died, or no longer provide ongoing
29 support to, and no longer receive aid on behalf of, the nonminor,
30 and it is in the nonminor's best interests for the court to assume
31 dependency jurisdiction.

32 (C) The nonminor has not attained 21 years of age.

33 (D) Reentry and remaining in foster care are in the nonminor's
34 best interests.

35 (E) The nonminor intends to satisfy, and agrees to satisfy, at
36 least one of the criteria set forth in paragraphs (1) to (5), inclusive,
37 of subdivision (b) of Section 11403, and demonstrates his or her
38 agreement to placement in a supervised setting under the placement
39 and care responsibility of the placing agency by signing the

1 voluntary reentry agreement described in subdivision (z) of Section
2 11400.

3 (6) The existence of a criminal conviction is not a bar to
4 eligibility for reentry to foster care or assumption of dependency
5 jurisdiction over a nonminor.

6 (7) The court shall not grant a continuance that would cause the
7 hearing to be completed more than 120 days after the date the
8 petition is filed.

9 (d) The agency made responsible for the nonminor's placement
10 and care pursuant to paragraph (5) of subdivision (c) shall prepare
11 a new transitional independent living case plan within 60 calendar
12 days of the date the nonminor signs the voluntary reentry agreement
13 and shall submit the plan to the court for the review hearing
14 specified in Section 366.31, to be held within 70 days of the
15 assumption of dependency jurisdiction. The review hearing under
16 Section 366.31 shall not be held more than 170 calendar days from
17 the date the nonminor signs the voluntary reentry agreement.

18 (e) (1) A nonminor described in subdivision (a) may enter into
19 a voluntary reentry agreement as defined in subdivision (z) of
20 Section 11400 in order to establish eligibility for foster care
21 benefits under subdivision (e) of Section 11401 before or after
22 filing a petition to assume dependency jurisdiction. If the nonminor
23 enters into a voluntary reentry agreement prior to filing the petition,
24 the nonminor is entitled to placement and supervision pending the
25 court's assumption of jurisdiction.

26 (2) If the nonminor completes a voluntary reentry agreement
27 with a placing agency, the placing agency shall file the petition to
28 assume dependency jurisdiction on behalf of the nonminor within
29 15 judicial days of the date the agreement is signed, unless the
30 nonminor elects to file the petition at an earlier date.

31 SEC. 4. Section 450 of the Welfare and Institutions Code is
32 amended to read:

33 450. (a) A minor or nonminor who satisfies all of the following
34 criteria is within the transition jurisdiction of the juvenile court:

35 (1) (A) The minor or nonminor meets one of the following
36 criteria:

37 (i) The minor is a ward who is older than 17 years and 5 months
38 of age and younger than 18 years of age and in foster care
39 placement.

1 (ii) The nonminor is a ward in foster care placement who was
2 a ward subject to an order for foster care placement at any time
3 after the youth attained 18 years of age and who has not attained
4 21 years of age.

5 (iii) The nonminor was subject to an order for foster care
6 placement at any time after reaching 14 years of age, was adjudged
7 a ward of the court pursuant to Section 725, and for whom the last
8 custody order of the court did not order his or her return to the
9 physical custody of his or her parent or legal guardian.

10 (iv) The nonminor was ~~subject to an order for foster care~~
11 ~~placement, was~~ adjudged a ward of the court pursuant to Section
12 725, *was subject to an order for foster care placement at the time*
13 *the petition to adjudge him or her a ward of the court pursuant to*
14 *Section 725 was filed, and was held in secure confinement when*
15 *he or she attained 18 years of age.*

16 (B) Notwithstanding subparagraph (A), the nonminor is a ward
17 who has been receiving aid pursuant to Article 5 (commencing
18 with Section 11400) of Chapter 2 of Part 3 of Division 9 and who
19 may continue to receive aid under the applicable program, provided
20 that the nonminor dependent continues to meet all other applicable
21 eligibility requirements as specified in Section 11403.

22 (2) The ward meets either of the following conditions:

23 (A) The ward was removed from the physical custody of his or
24 her parents or legal guardian, adjudged to be a ward of the juvenile
25 court under Section 725, and ordered into foster care placement
26 as a ward.

27 (B) The ward was removed from the custody of his or her
28 parents or legal guardian as a dependent of the court with an order
29 for foster care placement as a dependent in effect at the time the
30 court adjudged him or her to be a ward of the juvenile court under
31 Section 725.

32 (3) The rehabilitative goals of the minor or nonminor, as set
33 forth in the case plan, have been met, and juvenile court jurisdiction
34 over the minor or nonminor as a ward is no longer required.

35 (4) (A) If the ward is a minor, reunification services have been
36 terminated; the matter has not been set for a hearing for termination
37 of parental rights pursuant to Section 727.3 or for the establishment
38 of guardianship pursuant to Section 728; the return of the child to
39 the physical custody of the parents or legal guardian would create
40 a substantial risk of detriment to the child's safety, protection, or

1 physical or emotional well-being; and the minor has indicated an
2 intent to sign a mutual agreement, as described in subdivision (u)
3 of Section 11400, with the responsible agency for placement in a
4 supervised setting as a nonminor dependent.

5 (B) If the ward is a nonminor, he or she has signed a mutual
6 agreement, as described in subdivision (u) of Section 11400, with
7 the responsible agency for placement in a supervised setting as a
8 nonminor dependent or has signed a voluntary reentry agreement,
9 as described in subdivision (z) of Section 11400 for placement in
10 a supervised setting as a nonminor dependent. A runaway and
11 homeless youth shelter licensed by the State Department of Social
12 Services pursuant to Section 1502.35 of the Health and Safety
13 Code shall not be a placement option pursuant to this section.

14 (b) A minor who is subject to the court's transition jurisdiction
15 shall be referred to as a transition dependent.

16 (c) A youth subject to the court's transition jurisdiction who is
17 18 years of age or older shall be referred to as a nonminor
18 dependent.

19 SEC. 5. Section 607.2 of the Welfare and Institutions Code is
20 amended to read:

21 607.2. (a) The court shall hold a hearing prior to terminating
22 jurisdiction over a ward who satisfies any of the following criteria:

23 (1) Is a minor subject to an order for foster care placement
24 described in Section 11402 as a ward who has not previously been
25 subject to the jurisdiction of the court as a result of a petition filed
26 pursuant to Section 325.

27 (2) Is a nonminor who attained 18 years of age while subject to
28 an order for foster care placement described in Section 11402 and
29 who has not attained 21 years of age.

30 (3) Is a nonminor who was subject to an order for foster care
31 placement at any time after reaching 14 years of age, was adjudged
32 a ward of the court pursuant to Section 725, and for whom the last
33 custody order of the court did not order his or her return to the
34 physical custody of his or her parent or legal guardian.

35 (4) Is a nonminor who ~~was subject to an order for foster care~~
36 ~~placement~~, was adjudged a ward of the court pursuant to Section
37 725, *was subject to an order for foster care placement at the time*
38 *the petition to adjudge him or her a ward of the court pursuant to*
39 *Section 725 was filed*, and was held in secure confinement *when*
40 *he or she attained 18 years of age.*

1 (5) Is a ward who was subject to an order for foster care
2 placement described in Section 11402 as a dependent of the court
3 at the time the court adjudged the child to be a ward of the court
4 under Section 725.

5 (b) At a hearing during which termination of jurisdiction over
6 a ward described in subdivision (a) is being considered, the court
7 shall take one of the following actions:

8 (1) Modify its jurisdiction from delinquency jurisdiction to
9 transition jurisdiction, if the court finds the ward is a person
10 described in Section 450.

11 (2) (A) For a ward who was not previously subject to the
12 jurisdiction of the court as a result of a petition filed pursuant to
13 Section 325, order the probation department or the ward's attorney
14 to submit an application to the child welfare services department
15 pursuant to Section 329 to declare the minor a dependent of the
16 court and modify the court's jurisdiction from delinquency
17 jurisdiction to dependency jurisdiction, if the court finds all of the
18 following:

19 (i) The ward is a minor.

20 (ii) The ward does not come within the description in Section
21 450, but jurisdiction as a ward may no longer be required.

22 (iii) The ward appears to come within the description of Section
23 300 and cannot be returned home safely.

24 (B) The court shall set a hearing within 20 judicial days of the
25 date of the order described in subparagraph (A) to review the child
26 welfare services department's decision and may either affirm its
27 decision not to file a petition pursuant to Section 300 or order the
28 child welfare services department to file a petition pursuant to
29 Section 300.

30 (3) Vacate the order terminating jurisdiction over the minor as
31 a dependent of the court, resume jurisdiction pursuant to Section
32 300 based on the prior petition filed pursuant to Section 325, and
33 terminate the court's jurisdiction over the minor as a ward, if the
34 minor was subject to an order for foster care placement described
35 in Section 11402 as a dependent of the court at the time the court
36 adjudged the minor to be a ward and assumed jurisdiction over
37 the minor under Section 725.

38 (4) Continue its delinquency jurisdiction over a ward pursuant
39 to Section 303 as a nonminor dependent, as defined in subdivision

40 (v) of Section 11400, who is eligible to remain in foster care

1 pursuant to Section 11403, if the ward is a nonminor and the court
2 did not modify its jurisdiction as described in Section 450, unless
3 the court finds that after reasonable and documented efforts, the
4 ward cannot be located or does not wish to become a nonminor
5 dependent. In making this finding and prior to entering an order
6 terminating its delinquency jurisdiction, the court shall ensure that
7 the ward has had an opportunity to confer with his or her counsel
8 and has been informed of his or her options, including the right to
9 reenter foster care placement by completing a voluntary reentry
10 agreement as described in subdivision (z) of Section 11400 and to
11 file a petition pursuant to subdivision (e) of Section 388 for the
12 court to assume or resume transition jurisdiction over him or her
13 pursuant to Section 450. The fact that a ward declines to be a
14 nonminor dependent does not restrict the authority of the court to
15 maintain delinquency jurisdiction pursuant to Section 607.

16 (5) Continue its delinquency jurisdiction.

17 (6) Terminate its delinquency jurisdiction if the ward does not
18 come within the provisions of paragraphs (1) to (4), inclusive.

19 (c) If the court modifies jurisdiction, its order shall comply with
20 the requirements of subdivision (f) of Section 241.1.

21 (d) This section does not change the requirements of Section
22 727.2 or 727.3 with respect to reunification of minors with their
23 families or the establishment of an alternative permanent plan for
24 minors for whom reunification is not pursued.

25 SEC. 6. Section 11400 of the Welfare and Institutions Code is
26 amended to read:

27 11400. For purposes of this article, the following definitions
28 shall apply:

29 (a) “Aid to Families with Dependent Children-Foster Care
30 (AFDC-FC)” means the aid provided on behalf of needy children
31 in foster care under the terms of this division.

32 (b) “Case plan” means a written document that, at a minimum,
33 specifies the type of home in which the child shall be placed, the
34 safety of that home, and the appropriateness of that home to meet
35 the child’s needs. It shall also include the agency’s plan for
36 ensuring that the child receive proper care and protection in a safe
37 environment, and shall set forth the appropriate services to be
38 provided to the child, the child’s family, and the foster parents, in
39 order to meet the child’s needs while in foster care, and to reunify
40 the child with the child’s family. In addition, the plan shall specify

1 the services that will be provided or steps that will be taken to
2 facilitate an alternate permanent plan if reunification is not possible.

3 (c) “Certified family home” means a family residence certified
4 by a licensed foster family agency and issued a certificate of
5 approval by that agency as meeting licensing standards, and used
6 only by that foster family agency for placements.

7 (d) “Family home” means the family residence of a licensee in
8 which 24-hour care and supervision are provided for children.

9 (e) “Small family home” means any residential facility, in the
10 licensee’s family residence, which provides 24-hour care for six
11 or fewer foster children who have mental disorders or
12 developmental or physical disabilities and who require special care
13 and supervision as a result of their disabilities.

14 (f) “Foster care” means the 24-hour out-of-home care provided
15 to children whose own families are unable or unwilling to care for
16 them, and who are in need of temporary or long-term substitute
17 parenting.

18 (g) “Foster family agency” means any individual or organization
19 engaged in the recruiting, certifying, and training of, and providing
20 professional support to, foster parents, or in finding homes or other
21 places for placement of children for temporary or permanent care
22 who require that level of care as an alternative to a group home.
23 Private foster family agencies shall be organized and operated on
24 a nonprofit basis.

25 (h) “Group home” means a nondetention privately operated
26 residential home, organized and operated on a nonprofit basis only,
27 of any capacity, or a nondetention licensed residential care home
28 operated by the County of San Mateo with a capacity of up to 25
29 beds, that accepts children in need of care and supervision in a
30 group home, as defined by paragraph (13) of subdivision (a) of
31 Section 1502 of the Health and Safety Code.

32 (i) “Periodic review” means review of a child’s status by the
33 juvenile court or by an administrative review panel, that shall
34 include a consideration of the safety of the child, a determination
35 of the continuing need for placement in foster care, evaluation of
36 the goals for the placement and the progress toward meeting these
37 goals, and development of a target date for the child’s return home
38 or establishment of alternative permanent placement.

39 (j) “Permanency planning hearing” means a hearing conducted
40 by the juvenile court in which the child’s future status, including

1 whether the child shall be returned home or another permanent
2 plan shall be developed, is determined.

3 (k) “Placement and care” refers to the responsibility for the
4 welfare of a child vested in an agency or organization by virtue of
5 the agency or organization having (1) been delegated care, custody,
6 and control of a child by the juvenile court, (2) taken responsibility,
7 pursuant to a relinquishment or termination of parental rights on
8 a child, (3) taken the responsibility of supervising a child detained
9 by the juvenile court pursuant to Section 319 or 636, or (4) signed
10 a voluntary placement agreement for the child’s placement; or to
11 the responsibility designated to an individual by virtue of his or
12 her being appointed the child’s legal guardian.

13 (l) “Preplacement preventive services” means services that are
14 designed to help children remain with their families by preventing
15 or eliminating the need for removal.

16 (m) “Relative” means an adult who is related to the child by
17 blood, adoption, or affinity within the fifth degree of kinship,
18 including stepparents, stepsiblings, and all relatives whose status
19 is preceded by the words “great,” “great-great,” or “grand” or the
20 spouse of any of these persons even if the marriage was terminated
21 by death or dissolution.

22 (n) “Nonrelative extended family member” means an adult
23 caregiver who has an established familial or mentoring relationship
24 with the child, as described in Section 362.7.

25 (o) “Voluntary placement” means an out-of-home placement
26 of a child by (1) the county welfare department, probation
27 department, or Indian tribe that has entered into an agreement
28 pursuant to Section 10553.1, after the parents or guardians have
29 requested the assistance of the county welfare department and have
30 signed a voluntary placement agreement; or (2) the county welfare
31 department licensed public or private adoption agency, or the
32 department acting as an adoption agency, after the parents have
33 requested the assistance of either the county welfare department,
34 the licensed public or private adoption agency, or the department
35 acting as an adoption agency for the purpose of adoption planning,
36 and have signed a voluntary placement agreement.

37 (p) “Voluntary placement agreement” means a written agreement
38 between either the county welfare department, probation
39 department, or Indian tribe that has entered into an agreement
40 pursuant to Section 10553.1, licensed public or private adoption

1 agency, or the department acting as an adoption agency, and the
2 parents or guardians of a child that specifies, at a minimum, the
3 following:

4 (1) The legal status of the child.

5 (2) The rights and obligations of the parents or guardians, the
6 child, and the agency in which the child is placed.

7 (q) “Original placement date” means the most recent date on
8 which the court detained a child and ordered an agency to be
9 responsible for supervising the child or the date on which an agency
10 assumed responsibility for a child due to termination of parental
11 rights, relinquishment, or voluntary placement.

12 (r) (1) “Transitional housing placement provider” means an
13 organization licensed by the State Department of Social Services
14 pursuant to Section 1559.110 of the Health and Safety Code, to
15 provide transitional housing to foster children at least 16 years of
16 age and not more than 18 years of age, and nonminor dependents,
17 as defined in subdivision (v). A transitional housing placement
18 provider shall be privately operated and organized on a nonprofit
19 basis.

20 (2) Prior to licensure, a provider shall obtain certification from
21 the applicable county, in accordance with Section 16522.1.

22 (s) “Transitional Housing Program-Plus” means a provider
23 certified by the applicable county, in accordance with subdivision
24 (c) of Section 16522, to provide transitional housing services to
25 former foster youth who have exited the foster care system on or
26 after their 18th birthday.

27 (t) “Whole family foster home” means a new or existing family
28 home, approved relative caregiver or nonrelative extended family
29 member’s home, the home of a nonrelated legal guardian whose
30 guardianship was established pursuant to Section 360 or 366.26,
31 certified family home, or a host family home placement of a
32 transitional housing placement provider, that provides foster care
33 for a minor or nonminor dependent parent and his or her child,
34 and is specifically recruited and trained to assist the minor or
35 nonminor dependent parent in developing the skills necessary to
36 provide a safe, stable, and permanent home for his or her child.
37 The child of the minor or nonminor dependent parent need not be
38 the subject of a petition filed pursuant to Section 300 to qualify
39 for placement in a whole family foster home.

40 (u) “Mutual agreement” means any of the following:

(1) A written voluntary agreement of consent for continued placement and care in a supervised setting between a minor or, on and after January 1, 2012, a nonminor dependent, and the county welfare services or probation department or tribal agency responsible for the foster care placement, that documents the nonminor's continued willingness to remain in supervised out-of-home placement under the placement and care of the responsible county, tribe, consortium of tribes, or tribal organization that has entered into an agreement with the state pursuant to Section 10553.1, remain under the jurisdiction of the juvenile court as a nonminor dependent, and report any change of circumstances relevant to continued eligibility for foster care payments, and that documents the nonminor's and social worker's or probation officer's agreement to work together to facilitate implementation of the mutually developed supervised placement agreement and transitional independent living case plan.

(2) An agreement, as described in paragraph (1), between a nonminor former dependent or ward in receipt of Kin-GAP payments under Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385), and the agency responsible for the Kin-GAP benefits, provided that the nonminor former dependent or ward satisfies the conditions described in Section 11403.01, or one or more of the conditions described in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403. For purposes of this paragraph and paragraph (3), "nonminor former dependent or ward" has the same meaning as described in subdivision (aa).

(3) An agreement, as described in paragraph (1), between a nonminor former dependent or ward in receipt of AFDC-FC payments under subdivision (e) or (f) of Section 11405 and the agency responsible for the AFDC-FC benefits, provided that the nonminor former dependent or ward described in subdivision (e) of Section 11405 satisfies one or more of the conditions described in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403, and the nonminor described in subdivision (f) of Section 11405 satisfies the secondary school or equivalent training or certificate program conditions described in that subdivision.

(v) "Nonminor dependent" means a foster child, as described in Section 675(8)(B) of Title 42 of the United States Code under the federal Social Security Act who is a current dependent child

1 or ward of the juvenile court, or who is a nonminor under the
2 transition jurisdiction of the juvenile court, as described in Section
3 450, and who satisfies all of the following criteria:

4 (1) He or she meets one of the following criteria:

5 (A) He or she attained 18 years of age while subject to an order
6 for foster care placement described in Section 11402 and has not
7 attained 21 years of age.

8 (B) He or she has not attained 21 years of age, was subject to
9 an order for foster care placement at any time after reaching 14
10 years of age, was adjudged a ward of the court pursuant to Section
11 725, and for whom the last custody order of the court did not order
12 his or her return to the physical custody of his or her parent or
13 legal guardian.

14 (C) He or she has not attained 21 years of age, ~~was subject to~~
15 ~~an order for foster care placement~~, was adjudged a ward of the
16 court pursuant to Section 725, *was subject to an order for foster*
17 *care placement at the time the petition to adjudge him or her a*
18 *ward of the court pursuant to Section 725 was filed*, and was held
19 in secure confinement *when he or she attained 18 years of age*.

20 (2) He or she is in foster care under the placement and care
21 responsibility of the county welfare department, county probation
22 department, Indian tribe, consortium of tribes, or tribal organization
23 that entered into an agreement pursuant to Section 10553.1.

24 (3) He or she has a transitional independent living case plan
25 pursuant to Section 475(8) of the federal Social Security Act (42
26 U.S.C. Sec. 675(8)), as contained in the federal Fostering
27 Connections to Success and Increasing Adoptions Act of 2008
28 (Public Law 110-351), as described in Section 11403.

29 (w) “Supervised independent living placement” means, on and
30 after January 1, 2012, an independent supervised setting, as
31 specified in a nonminor dependent’s transitional independent living
32 case plan, in which the youth is living independently, pursuant to
33 Section 472(c)(2) of the federal Social Security Act (42 U.S.C.
34 Sec. 672(c)(2)).

35 (x) “Supervised independent living setting,” pursuant to Section
36 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec.
37 672(c)(2)), includes both a supervised independent living
38 placement, as defined in subdivision (w), and a residential housing
39 unit certified by the transitional housing placement provider
40 operating a Transitional Housing Placement-Plus Foster Care

1 program, as described in paragraph (2) of subdivision (a) of Section
2 16522.1.

3 (y) “Transitional independent living case plan” means, on or
4 after January 1, 2012, a child’s case plan submitted for the last
5 review hearing held before he or she reaches 18 years of age or
6 the nonminor dependent’s case plan, updated every six months,
7 that describes the goals and objectives of how the nonminor will
8 make progress in the transition to living independently and assume
9 incremental responsibility for adult decisionmaking, the
10 collaborative efforts between the nonminor and the social worker,
11 probation officer, or Indian tribal placing entity and the supportive
12 services as described in the transitional independent living plan
13 (TILP) to ensure active and meaningful participation in one or
14 more of the eligibility criteria described in paragraphs (1) to (5),
15 inclusive, of subdivision (b) of Section 11403, the nonminor’s
16 appropriate supervised placement setting, and the nonminor’s
17 permanent plan for transition to living independently, which
18 includes maintaining or obtaining permanent connections to caring
19 and committed adults, as set forth in paragraph (16) of subdivision
20 (f) of Section 16501.1.

21 (z) “Voluntary reentry agreement” means a written voluntary
22 agreement between a former dependent child or ward or a former
23 nonminor dependent, who has had juvenile court jurisdiction
24 terminated pursuant to Section 391, 452, or 607.2, and the county
25 welfare or probation department or tribal placing entity that
26 documents the nonminor’s desire and willingness to reenter foster
27 care, to be placed in a supervised setting under the placement and
28 care responsibility of the placing agency, the nonminor’s desire,
29 willingness, and ability to immediately participate in one or more
30 of the conditions of paragraphs (1) to (5), inclusive, of subdivision
31 (b) of Section 11403, the nonminor’s agreement to work
32 collaboratively with the placing agency to develop his or her
33 transitional independent living case plan within 60 days of reentry,
34 the nonminor’s agreement to report any changes of circumstances
35 relevant to continued eligibility for foster care payments, and (1)
36 the nonminor’s agreement to participate in the filing of a petition
37 for juvenile court jurisdiction as a nonminor dependent pursuant
38 to subdivision (e) of Section 388 within 15 judicial days of the
39 signing of the agreement and the placing agency’s efforts and
40 supportive services to assist the nonminor in the reentry process,

1 or (2) if the nonminor meets the definition of a nonminor former
2 dependent or ward, as described in subdivision (aa), the nonminor's
3 agreement to return to the care and support of his or her former
4 juvenile court-appointed guardian and meet the eligibility criteria
5 for AFDC-FC pursuant to subdivision (e) of Section 11405.

6 (aa) "Nonminor former dependent or ward" means, on and after
7 January 1, 2012, any of the following:

8 (1) A nonminor who attained 18 years of age while subject to
9 an order for foster care placement described in Section 11402 who
10 has not attained 21 years of age, and for whom dependency,
11 delinquency, or transition jurisdiction has been terminated, and
12 who is still under the general jurisdiction of the court.

13 (2) A nonminor who is over 18 years of age and, while a minor,
14 was a dependent child or ward of the juvenile court when the
15 guardianship was established pursuant to Section 360 or 366.26,
16 or subdivision (d), of Section 728 and the juvenile court
17 dependency or wardship was dismissed following the establishment
18 of the guardianship.

19 (3) A nonminor who was subject to an order for foster care
20 placement at any time after reaching 14 years of age, was adjudged
21 a ward of the court pursuant to Section 725, and for whom the last
22 custody order of the court did not order his or her return to the
23 physical custody of his or her parent or legal guardian.

24 (4) A nonminor who ~~was subject to an order for foster care~~
25 ~~placement~~, was adjudged a ward of the court pursuant to Section
26 725, *was subject to an order for foster care placement at the time*
27 *that the petition to adjudge him or her a ward of the court pursuant*
28 *to Section 725 was filed*, and was held in secure confinement *when*
29 *he or she attained 18 years of age*.

30 (ab) "Runaway and homeless youth shelter" means a type of
31 group home, as defined in paragraph (14) of subdivision (a) of
32 Section 1502 of the Health and Safety Code, that is not an eligible
33 placement option under Sections 319, 361.2, 450, and 727, and
34 that is not eligible for AFDC-FC funding pursuant to subdivision
35 (c) of Section 11402 or Section 11462.

36 (ac) "Transition dependent" is a minor between 17 years and 5
37 months and 18 years of age who is subject to the court's transition
38 jurisdiction under Section 450.

39 SEC. 7. Section 11401 of the Welfare and Institutions Code is
40 amended to read:

1 11401. Aid in the form of AFDC-FC shall be provided under
2 this chapter on behalf of any child under 18 years of age and to
3 any nonminor dependent who meets the conditions of any of the
4 following subdivisions:

5 (a) The child has been relinquished, for purposes of adoption,
6 to a licensed adoption agency, or the department, or the parental
7 rights of either or both of his or her parents have been terminated
8 after an action under the Family Code has been brought by a
9 licensed adoption agency or the department, provided that the
10 licensed adoption agency or the department, if responsible for
11 placement and care, provides to those children all services as
12 required by the department to children in foster care.

13 (b) The child has been removed from the physical custody of
14 his or her parent, relative, or guardian as a result of a voluntary
15 placement agreement or a judicial determination that continuance
16 in the home would be contrary to the child's welfare and that, if
17 the child was placed in foster care, reasonable efforts were made,
18 consistent with Chapter 5 (commencing with Section 16500) of
19 Part 4, to prevent or eliminate the need for removal of the child
20 from his or her home and to make it possible for the child to return
21 to his or her home, and any of the following applies:

22 (1) The child has been adjudged a dependent child of the court
23 on the grounds that he or she is a person described by Section 300.

24 (2) The child has been adjudged a ward of the court on the
25 grounds that he or she is a person described by Sections 601 and
26 602 or the nonminor is under the transition jurisdiction of the
27 juvenile court pursuant to Section 450.

28 (3) The child has been detained under a court order, pursuant
29 to Section 319 or 636, that remains in effect.

30 (4) The child's or nonminor's dependency jurisdiction, or
31 transition jurisdiction pursuant to Section 450, has resumed
32 pursuant to Section 387, or subdivision (a) or (e) of Section 388.

33 (c) The child has been voluntarily placed by his or her parent
34 or guardian pursuant to Section 11401.1.

35 (d) The child is living in the home of a nonrelated legal guardian.

36 (e) The child is a nonminor dependent who is placed pursuant
37 to a mutual agreement as set forth in subdivision (u) of Section
38 11400, under the placement and care responsibility of the county
39 child welfare services department, an Indian tribe that entered into
40 an agreement pursuant to Section 10553.1, or the county probation

1 department, or the child is a nonminor dependent reentering foster
2 care placement pursuant to a voluntary agreement, as set forth in
3 subdivision (z) of Section 11400.

4 (f) The child has been placed in foster care under the federal
5 Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.). Sections
6 11402, 11404, and 11405 shall not be construed as limiting
7 payments to Indian children, as defined in the federal Indian Child
8 Welfare Act, placed in accordance with that act.

9 (g) To be eligible for federal financial participation, the
10 conditions described in paragraph (1), (2), (3), or (4) shall be
11 satisfied:

12 (1) (A) The child meets the conditions of subdivision (b).

13 (B) The child has been deprived of parental support or care for
14 any of the reasons set forth in Section 11250.

15 (C) The child has been removed from the home of a relative as
16 defined in Section 233.90(c)(1) of Title 45 of the Code of Federal
17 Regulations, as amended.

18 (D) The requirements of Sections 671 and 672 of Title 42 of
19 the United States Code, as amended, have been met.

20 (2) (A) The child meets the requirements of subdivision (h).

21 (B) The requirements of Sections 671 and 672 of Title 42 of
22 the United States Code, as amended, have been met.

23 (C) This paragraph shall be implemented only if federal financial
24 participation is available for the children described in this
25 paragraph.

26 (3) (A) The child has been removed from the custody of his or
27 her parent, relative, or guardian as a result of a voluntary placement
28 agreement or a judicial determination that continuance in the home
29 would be contrary to the child's welfare and that, if the child was
30 placed in foster care, reasonable efforts were made, consistent with
31 Chapter 5 (commencing with Section 16500) of Part 4, to prevent
32 or eliminate the need for removal of the child from his or her home
33 and to make it possible for the child to return to his or her home,
34 or the child is a nonminor dependent who satisfies the removal
35 criteria in Section 472(a)(2)(A)(i) of the federal Social Security
36 Act (42 U.S.C. Sec. 672(a)(2)(A)(i)) and agrees to the placement
37 and care responsibility of the placing agency by signing the
38 voluntary reentry agreement, as set forth in subdivision (z) of
39 Section 11400, and any of the following applies:

1 (i) The child has been adjudged a dependent child of the court
2 on the grounds that he or she is a person described by Section 300.

3 (ii) The child has been adjudged a ward of the court on the
4 grounds that he or she is a person described by Sections 601 and
5 602 or the nonminor is under the transition jurisdiction of the
6 juvenile court, pursuant to Section 450.

7 (iii) The child has been detained under a court order, pursuant
8 to Section 319 or 636, that remains in effect.

9 (iv) The child's or nonminor's dependency jurisdiction, or
10 transition jurisdiction pursuant to Section 450, has resumed
11 pursuant to Section 387, or subdivision (a) or (e) of Section 388.

12 (B) The child has been placed in an eligible foster care
13 placement, as set forth in Section 11402.

14 (C) The requirements of Sections 671 and 672 of Title 42 of
15 the United States Code have been satisfied.

16 (D) This paragraph shall be implemented only if federal financial
17 participation is available for the children described in this
18 paragraph.

19 (4) With respect to a nonminor dependent, in addition to meeting
20 the conditions specified in paragraph (1), the requirements of
21 Section 675(8)(B) of Title 42 of the United States Code have been
22 satisfied. With respect to a former nonminor dependent who
23 reenters foster care placement by signing the voluntary reentry
24 agreement, as set forth in subdivision (z) of Section 11400, the
25 requirements for AFDC-FC eligibility of Section 672(a)(3)(A) of
26 Title 42 of the United States Code are satisfied based on the
27 nonminor's status as a child-only case, without regard to the
28 parents, legal guardians, or others in the assistance unit in the home
29 from which the nonminor was originally removed.

30 (h) The child meets all of the following conditions:

31 (1) The child has been adjudged to be a dependent child or ward
32 of the court on the grounds that he or she is a person described in
33 Section 300, 601, or 602.

34 (2) The child's parent also has been adjudged to be a dependent
35 child or nonminor dependent of the court on the grounds that he
36 or she is a person described by Section 300, 450, 601, or 602 and
37 is receiving benefits under this chapter.

38 (3) The child is placed in the same licensed or approved foster
39 care facility in which his or her parent is placed and the child's
40 parent is receiving reunification services with respect to that child.

1 SEC. 8. Section 11403 of the Welfare and Institutions Code is
2 amended to read:

3 11403. (a) It is the intent of the Legislature to exercise the
4 option afforded states under Section 475(8) (42 U.S.C. Sec.
5 675(8)), and Section 473(a)(4) (42 U.S.C. Sec. 673(a)(4)) of the
6 federal Social Security Act, as contained in the federal Fostering
7 Connections to Success and Increasing Adoptions Act of 2008
8 (Public Law 110-351), to receive federal financial participation
9 for nonminor dependents of the juvenile court who satisfy the
10 conditions of subdivision (b), consistent with their transitional
11 independent living case plan. These nonminor dependents shall
12 be eligible to receive support up to 21 years of age, consistent with
13 their transitional independent living case plan. It is the intent of
14 the Legislature both at the time of initial determination of the
15 nonminor dependent's eligibility and throughout the time the
16 nonminor dependent is eligible for aid pursuant to this section,
17 that the social worker or probation officer or Indian tribal placing
18 entity and the nonminor dependent shall work together to ensure
19 the nonminor dependent's ongoing eligibility. All case planning
20 shall be a collaborative effort between the nonminor dependent
21 and the social worker, probation officer, or Indian tribe, with the
22 nonminor dependent assuming increasing levels of responsibility
23 and independence.

24 (b) A nonminor dependent receiving aid pursuant to this chapter,
25 who satisfies the age criteria set forth in subdivision (a), shall meet
26 the legal authority for placement and care by being under a foster
27 care placement order by the juvenile court, or the voluntary reentry
28 agreement as set forth in subdivision (z) of Section 11400, and is
29 otherwise eligible for AFDC-FC payments pursuant to Section
30 11401. A nonminor who satisfies the age criteria set forth in
31 subdivision (a), and who is otherwise eligible, shall continue to
32 receive CalWORKs payments pursuant to Section 11253 or, as a
33 nonminor former dependent or ward, aid pursuant to Kin-GAP
34 under Article 4.5 (commencing with Section 11360) or Article 4.7
35 (commencing with Section 11385) or adoption assistance payments
36 as specified in Chapter 2.1 (commencing with Section 16115) of
37 Part 4. Effective January 1, 2012, a nonminor former dependent
38 child or ward of the juvenile court who is receiving AFDC-FC
39 benefits pursuant to Section 11405 and who satisfies the criteria
40 set forth in subdivision (a) shall be eligible to continue to receive

1 aid as long as the nonminor is otherwise eligible for AFDC-FC
2 benefits under this subdivision. This subdivision shall apply when
3 one or more of the following conditions exist:

4 (1) The nonminor is completing secondary education or a
5 program leading to an equivalent credential.

6 (2) The nonminor is enrolled in an institution which provides
7 postsecondary or vocational education.

8 (3) The nonminor is participating in a program or activity
9 designed to promote, or remove barriers to employment.

10 (4) The nonminor is employed for at least 80 hours per month.

11 (5) The nonminor is incapable of doing any of the activities
12 described in paragraphs (1) to (4), inclusive, due to a medical
13 condition, and that incapability is supported by regularly updated
14 information in the case plan of the nonminor. The requirement to
15 update the case plan under this section shall not apply to nonminor
16 former dependents or wards in receipt of Kin-GAP program or
17 Adoption Assistance Program payments.

18 (c) The county child welfare or probation department, Indian
19 tribe, consortium of tribes, or tribal organization that has entered
20 into an agreement pursuant to Section 10553.1, shall work together
21 with a nonminor dependent who is in foster care on his or her 18th
22 birthday and thereafter or a nonminor former dependent receiving
23 aid pursuant to Section 11405, to satisfy one or more of the
24 conditions described in paragraphs (1) to (5), inclusive, of
25 subdivision (b) and shall certify the nonminor's applicable
26 condition or conditions in the nonminor's six-month transitional
27 independent living case plan update, and provide the certification
28 to the eligibility worker and to the court at each six-month case
29 plan review hearing for the nonminor dependent. Relative
30 guardians who receive Kin-GAP payments and adoptive parents
31 who receive adoption assistance payments shall be responsible for
32 reporting to the county welfare agency that the nonminor does not
33 satisfy at least one of the conditions described in subdivision (b).
34 The social worker, probation officer, or tribal entity shall verify
35 and obtain assurances that the nonminor dependent continues to
36 satisfy at least one of the conditions in paragraphs (1) to (5),
37 inclusive, of subdivision (b) at each six-month transitional
38 independent living case plan update. The six-month case plan
39 update shall certify the nonminor's eligibility pursuant to
40 subdivision (b) for the next six-month period. During the six-month

1 certification period, the payee and nonminor shall report any
2 change in placement or other relevant changes in circumstances
3 that may affect payment. The nonminor dependent, or nonminor
4 former dependent receiving aid pursuant to subdivision (e) of
5 Section 11405, shall be informed of all due process requirements,
6 in accordance with state and federal law, prior to an involuntary
7 termination of aid, and shall simultaneously be provided with a
8 written explanation of how to exercise his or her due process rights
9 and obtain referrals to legal assistance. Any notices of action
10 regarding eligibility shall be sent to the nonminor dependent or
11 former dependent, his or her counsel, as applicable, and the placing
12 worker, in addition to any other payee. Payments of aid pursuant
13 to Kin-GAP under Article 4.5 (commencing with Section 11360)
14 or Article 4.7 (commencing with Section 11385), adoption
15 assistance payments as specified in Chapter 2.1 (commencing with
16 Section 16115) of Part 4, or aid pursuant to subdivision (e) of
17 Section 11405 that are made on behalf of a nonminor former
18 dependent shall terminate subject to the terms of the agreements.
19 Subject to federal approval of amendments to the state plan, aid
20 payments may be suspended and resumed based on changes of
21 circumstances that affect eligibility. Nonminor former dependents,
22 as identified in paragraph (2) of subdivision (aa) of Section 11400,
23 are not eligible for reentry under subdivision (e) of Section 388 as
24 nonminor dependents under the jurisdiction of the juvenile court,
25 unless (1) the nonminor former dependent was receiving aid
26 pursuant to Kin-GAP under Article 4.5 (commencing with Section
27 11360) or Article 4.7 (commencing with Section 11385), or the
28 nonminor former dependent was receiving aid pursuant to
29 subdivision (e) of Section 11405, or the nonminor was receiving
30 adoption assistance payments as specified in Chapter 2.1
31 (commencing with Section 16115) of Part 3 and (2) the nonminor's
32 former guardian or adoptive parent dies, or no longer provides
33 ongoing support to, and no longer receive aid on behalf of, the
34 nonminor after the nonminor turns 18 years of age but before the
35 nonminor turns 21 years of age. Nonminor former dependents
36 requesting the resumption of AFDC-FC payments pursuant to
37 subdivision (e) of Section 11405 shall complete the applicable
38 portions of the voluntary reentry agreement, as described in
39 subdivision (z) of Section 11400.

1 (d) A nonminor dependent may receive all of the payment
2 directly provided that the nonminor is living independently in a
3 supervised placement, as described in subdivision (w) of Section
4 11400, and that both the youth and the agency responsible for the
5 foster care placement have signed a mutual agreement, as defined
6 in subdivision (u) of Section 11400, if the youth is capable of
7 making an informed agreement, that documents the continued need
8 for supervised out-of-home placement, and the nonminor's and
9 social worker's or probation officer's agreement to work together
10 to facilitate implementation of the mutually developed supervised
11 placement agreement and transitional independent living case plan.

12 (e) Eligibility for aid under this section shall not terminate until
13 the nonminor dependent attains the age criteria, as set forth in
14 subdivision (a), but aid may be suspended when the nonminor
15 dependent no longer resides in an eligible facility, as described in
16 Section 11402, or is otherwise not eligible for AFDC-FC benefits
17 under Section 11401, or terminated at the request of the nonminor,
18 or after a court terminates dependency jurisdiction pursuant to
19 Section 391, delinquency jurisdiction pursuant to Section 607.2,
20 or transition jurisdiction pursuant to Section 452. AFDC-FC
21 benefits to nonminor dependents, may be resumed at the request
22 of the nonminor by completing a voluntary reentry agreement
23 pursuant to subdivision (z) of Section 11400, before or after the
24 filing of a petition filed pursuant to subdivision (e) of Section 388
25 after a court terminates dependency or transitional jurisdiction
26 pursuant to Section 391, or delinquency jurisdiction pursuant to
27 Section 607.2. The county welfare or probation department or
28 Indian tribal entity that has entered into an agreement pursuant to
29 Section 10553.1 shall complete the voluntary reentry agreement
30 with the nonminor who agrees to satisfy the criteria of the
31 agreement, as described in subdivision (z) of Section 11400. The
32 county welfare department or tribal entity shall establish a new
33 child-only Title IV-E eligibility determination based on the
34 nonminor's completion of the voluntary reentry agreement pursuant
35 to Section 11401. The beginning date of aid for either federal or
36 state AFDC-FC for a reentering nonminor who is placed in foster
37 care is the date the voluntary reentry agreement is signed or the
38 nonminor is placed, whichever is later. The county welfare
39 department, county probation department, or tribal entity shall

1 provide a nonminor dependent who wishes to continue receiving
2 aid with the assistance necessary to meet and maintain eligibility.

3 (f) (1) The county having jurisdiction of the nonminor
4 dependent shall remain the county of payment under this section
5 regardless of the youth's physical residence. Nonminor former
6 dependents receiving aid pursuant to subdivision (e) of Section
7 11405 shall be paid by their county of residence. Counties may
8 develop courtesy supervision agreements to provide case
9 management and independent living services by the county of
10 residence pursuant to the nonminor dependent's transitional
11 independent living case plan. Placements made out of state are
12 subject to the applicable requirements of the Interstate Compact
13 on Placement of Children, pursuant to Part 5 (commencing with
14 Section 7900) of Division 12 of the Family Code.

15 (2) The county welfare department, county probation
16 department, or tribal entity shall notify all foster youth who attain
17 16 years of age and are under the jurisdiction of that county or
18 tribe, including those receiving Kin-GAP, and AAP, of the
19 existence of the aid prescribed by this section.

20 (3) The department shall seek any waiver to amend its Title
21 IV-E state plan with the Secretary of the United States Department
22 of Health and Human Services necessary to implement this section.

23 (g) (1) Subject to paragraph (3), a county shall pay the
24 nonfederal share of the cost of extending aid pursuant to this
25 section to eligible nonminor dependents who have reached 18
26 years of age and who are under the jurisdiction of the county,
27 including AFDC-FC payments pursuant to Section 11401, aid
28 pursuant to Kin-GAP under Article 4.7 (commencing with Section
29 11385), adoption assistance payments as specified in Chapter 2.1
30 (commencing with Section 16115) of Part 4, and aid pursuant to
31 Section 11405 for nonminor dependents who are residing in the
32 county as provided in paragraph (1) of subdivision (f). A county
33 shall contribute to the CalWORKs payments pursuant to Section
34 11253 and aid pursuant to Kin-GAP under Article 4.5 (commencing
35 with Section 11360) at the statutory sharing ratios in effect on
36 January 1, 2012.

37 (2) Subject to paragraph (3), a county shall pay the nonfederal
38 share of the cost of providing permanent placement services
39 pursuant to subdivision (c) of Section 16508 and administering
40 the Aid to Families with Dependent Children Foster Care program

1 pursuant to Section 15204.9. For purposes of budgeting, the
2 department shall use a standard for the permanent placement
3 services that is equal to the midpoint between the budgeting
4 standards for family maintenance services and family reunification
5 services.

6 (3) (A) (i) Notwithstanding any other law, a county's required
7 total contribution pursuant to paragraphs (1) and (2) shall not
8 exceed the amount of savings in Kin-GAP assistance grant
9 expenditures realized by the county from the receipt of federal
10 funds due to the implementation of Article 4.7 (commencing with
11 Section 11385), and the amount of funding specifically included
12 in the Protective Services Subaccount within the Support Services
13 Account within the Local Revenue Fund 2011, plus any associated
14 growth funding from the Support Services Growth Subaccount
15 within the Sales and Use Tax Growth Account to pay the costs of
16 extending aid pursuant to this section.

17 (ii) A county, at its own discretion, may expend additional funds
18 beyond the amounts identified in clause (i). These additional
19 amounts shall not be included in any cost and savings calculations
20 or comparisons performed pursuant to this section.

21 (B) Funding and expenditures for programs and activities under
22 this section shall be in accordance with the requirements provided
23 in Sections 30025 and 30026.5 of the Government Code. In
24 addition, the following are available to the counties for the purpose
25 of funding costs pursuant to this section:

26 (i) The savings in Kin-GAP assistance grant expenditures
27 realized from the receipt of federal funds due to the implementation
28 of Article 4.7 (commencing with Section 11385).

29 (ii) The savings realized from the change in federal funding for
30 adoption assistance resulting from the enactment of the federal
31 Fostering Connection to Success and Increasing Adoption Act of
32 2008 (Public Law 110-351) and consistent with subdivision (d) of
33 Section 16118.

34 (4) (A) The limit on the county's total contribution pursuant to
35 paragraph (3) shall be assessed by the State Department of Social
36 Services, in conjunction with the California State Association of
37 Counties, in 2015–16, to determine if it shall be removed. The
38 assessment of the need for the limit shall be based on a
39 determination on a statewide basis of whether the actual county
40 costs of providing extended care pursuant to this section are fully

1 funded by the amount of savings in Kin-GAP assistance grant
2 expenditures realized by the counties from the receipt of federal
3 funds due to the implementation of Article 4.7 (commencing with
4 Section 11385) and the amount of funding specifically included
5 in the Protective Services Subaccount within the Support Services
6 Account within the Local Revenue Fund 2011 plus any associated
7 growth funding from the Support Services Growth Subaccount
8 within the Sales and Use Tax Growth Account to pay the costs of
9 extending aid pursuant to this section.

10 (B) If the assessment pursuant to subparagraph (A) shows that
11 the statewide total costs of extending aid pursuant to this section
12 are fully funded by the amount of savings in Kin-GAP assistance
13 grant expenditures realized by the counties from the receipt of
14 federal funds due to the implementation of Article 4.7
15 (commencing with Section 11385) and the amount of funding
16 specifically included in the Protective Services Subaccount within
17 the Support Services Account within the Local Revenue Fund
18 2011 plus any associated growth funding from the Support Services
19 Growth Subaccount within the Sales and Use Tax Growth Account
20 to pay the costs of extending aid pursuant to this section, the
21 Department of Finance shall certify that fact, in writing, and shall
22 post the certification on its Internet Web site, at which time
23 subparagraph (A) of paragraph (3) shall no longer be implemented.

24 (h) It is the intent of the Legislature that no county currently
25 participating in the Child Welfare Demonstration Capped
26 Allocation Project be adversely impacted by the department's
27 exercise of its option to extend foster care benefits pursuant to
28 Section 673(a)(4) and Section 675(8) of Title 42 of the United
29 States Code in the federal Social Security Act, as contained in the
30 federal Fostering Connections to Success and Increasing Adoptions
31 Act of 2008 (Public Law 110-351). Therefore, the department shall
32 negotiate with the United States Department of Health and Human
33 Services on behalf of those counties that are currently participating
34 in the demonstration project to ensure that those counties receive
35 reimbursement for these new programs outside of the provisions
36 of those counties' waiver under Subtitle IV-E (commencing with
37 Section 470) of the federal Social Security Act (42 U.S.C. Sec.
38 670 et seq.).

39 (i) The department, on or before July 1, 2013, shall develop
40 regulations to implement this section in consultation with

1 concerned stakeholders, including, but not limited to,
2 representatives of the Legislature, the County Welfare Directors
3 Association, the Chief Probation Officers of California, the Judicial
4 Council, representatives of Indian tribes, the California Youth
5 Connection, former foster youth, child advocacy organizations,
6 labor organizations, juvenile justice advocacy organizations, foster
7 caregiver organizations, and researchers. In the development of
8 these regulations, the department shall consider its Manual of
9 Policy and Procedures, Division 30, Chapters 30-912, 913, 916,
10 and 917, as guidelines for developing regulations that are
11 appropriate for young adults who can exercise incremental
12 responsibility concurrently with their growth and development.
13 The department, in its consultation with stakeholders, shall take
14 into consideration the impact to the automated Child Welfare
15 Services Case Management System (CWS/CMS) and required
16 modifications needed to accommodate eligibility determination
17 under this section, benefit issuance, case management across
18 counties, and recognition of the legal status of nonminor
19 dependents as adults, as well as changes to data tracking and
20 reporting requirements as required by the Child Welfare System
21 Improvement and Accountability Act as specified in Section
22 10601.2, and federal outcome measures as required by the federal
23 John H. Chafee Foster Care Independence Program (42 U.S.C.
24 Sec. 677(f)). In addition, the department, in its consultation with
25 stakeholders, shall define the supervised independent living setting
26 which shall include, but not be limited to, apartment living, room
27 and board arrangements, college or university dormitories, and
28 shared roommate settings, and define how those settings meet
29 health and safety standards suitable for nonminors. The department,
30 in its consultation with stakeholders, shall define the six-month
31 certification of the conditions of eligibility pursuant to subdivision
32 (b) to be consistent with the flexibility provided by federal policy
33 guidance, to ensure that there are ample supports for a nonminor
34 to achieve the goals of his or her transition independent living case
35 plan. The department, in its consultation with stakeholders, shall
36 ensure that notices of action and other forms created to inform the
37 nonminor of due process rights and how to access them shall be
38 developed, using language consistent with the special needs of the
39 nonminor dependent population.

(j) Notwithstanding the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department shall prepare for implementation of the applicable provisions of this section by publishing, after consultation with the stakeholders listed in subdivision (i), all-county letters or similar instructions from the director by October 1, 2011, to be effective January 1, 2012. Emergency regulations to implement the applicable provisions of this act may be adopted by the director in accordance with the Administrative Procedure Act. The initial adoption of the emergency regulations and one readoption of the emergency regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. Initial emergency regulations and the first readoption of those emergency regulations shall be exempt from review by the Office of Administrative Law. The emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and shall remain in effect for no more than 180 days.

SEC. 9. Section 11405 of the Welfare and Institutions Code is amended to read:

11405. (a) Except for nonminors described in paragraph (2) of subdivision (e), AFDC-FC benefits shall be paid to an otherwise eligible child living with a nonrelated legal guardian, provided that the legal guardian cooperates with the county welfare department in all of the following:

- (1) Developing a written assessment of the child's needs.
- (2) Updating the assessment no less frequently than once every six months.

(3) Carrying out the case plan developed by the county.

(b) Except for nonminors described in paragraph (2) of subdivision (e), when AFDC-FC is applied for on behalf of a child living with a nonrelated legal guardian the county welfare department shall do all of the following:

- (1) Develop a written assessment of the child's needs.
- (2) Update those assessments no less frequently than once every six months.
- (3) Develop a case plan that specifies how the problems identified in the assessment are to be addressed.

(4) Make visits to the child as often as appropriate, but in no event less often than once every six months.

(c) Where the child is a parent and has a child living with him or her in the same eligible facility, the assessment required by paragraph (1) of subdivision (a) shall include the needs of his or her child.

(d) Nonrelated legal guardians of eligible children who are in receipt of AFDC-FC payments described in this section shall be exempt from the requirement to register with the Statewide Registry of Private Professional Guardians pursuant to Sections 2850 and 2851 of the Probate Code.

(e) (1) A nonminor youth whose nonrelated guardianship was ordered in juvenile court pursuant to Section 360 or 366.26, and whose dependency was dismissed, shall remain eligible for AFDC-FC benefits until the youth attains 21 years of age, provided that the youth enters into a mutual agreement with the agency responsible for his or her guardianship, and the youth is meeting the conditions of eligibility, as described in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403.

(2) A nonminor former dependent or ward as defined in paragraph (2) of subdivision (aa) of Section 11400 shall be eligible for benefits under this section until the youth attains 21 years of age if all of the following conditions are met:

(A) The nonminor former dependent or ward attained 18 years of age while in receipt of Kin-GAP benefits pursuant to Article 4.7 (commencing with Section 11385).

(B) The nonminor's relationship to the kinship guardian is defined in paragraph (2), (3), or (4) of subdivision (c) of Section 11391.

(C) The nonminor who was under 16 years of age at the time the Kin-GAP negotiated agreement payments commenced.

(D) The guardian continues to be responsible for the support of the nonminor.

(E) The nonminor otherwise is meeting the conditions of eligibility, as described in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403.

(f) A child whose nonrelated guardianship was ordered in probate court pursuant to Article 2 (commencing with Section 1510) of Chapter 1 of Part 2 of Division 4 of the Probate Code, who is attending high school or the equivalent level of vocational

1 or technical training on a full-time basis, or who is in the process
2 of pursuing a high school equivalency certificate prior to his or
3 her 18th birthday may continue to receive aid following his or her
4 18th birthday as long as the child continues to reside in the
5 guardian's home, remains otherwise eligible for AFDC-FC benefits
6 and continues to attend high school or the equivalent level of
7 vocational or technical training on a full-time basis, or continues
8 to pursue a high school equivalency certificate, and the child may
9 reasonably be expected to complete the educational or training
10 program or to receive a high school equivalency certificate, before
11 his or her 19th birthday. Aid shall be provided to an individual
12 pursuant to this section provided that both the individual and the
13 agency responsible for the foster care placement have signed a
14 mutual agreement, if the individual is capable of making an
15 informed agreement, documenting the continued need for
16 out-of-home placement.

17 (g) (1) For cases in which a guardianship was established on
18 or before June 30, 2011, or the date specified in a final order, for
19 which the time for appeal has passed, issued by a court of
20 competent jurisdiction in California State Foster Parent
21 Association, et al. v. William Lightbourne, et al. (U.S. Dist. Ct.
22 No. C 07-05086 WHA), whichever is earlier, the AFDC-FC
23 payment described in this section shall be the foster family home
24 rate structure in effect prior to the effective date specified in the
25 order described in this paragraph.

26 (2) For cases in which guardianship has been established on or
27 after July 1, 2011, or the date specified in the order described in
28 paragraph (1), whichever is earlier, the AFDC-FC payments
29 described in this section shall be the basic foster family home rate
30 set forth in paragraph (1) of subdivision (g) of Section 11461.

31 (3) The AFDC-FC payments identified in this subdivision shall
32 be adjusted annually by the percentage change in the California
33 Necessities Index rate as set forth in paragraph (2) of subdivision
34 (g) of Section 11461.

35 (h) In addition to the AFDC-FC rate paid, all of the following
36 also shall be paid:

37 (1) A specialized care increment, if applicable, as set forth in
38 subdivision (e) of Section 11461.

39 (2) A clothing allowance, as set forth in subdivision (f) of
40 Section 11461.

1 (3) For a child eligible for an AFDC-FC payment who is a teen
2 parent, the rate shall include the two hundred dollar (\$200) monthly
3 payment made to the relative caregiver in a whole family foster
4 home pursuant to paragraph (3) of subdivision (d) of Section
5 11465.

6 SEC. 10. If the Commission on State Mandates determines
7 that this act contains costs mandated by the state, reimbursement
8 to local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.